

**Proposed Substitute  
Bill No. 5450**

LCO No. 3447

**AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. Section 21a-408 of the general statutes is repealed and the  
2       following is substituted in lieu thereof (*Effective October 1, 2016*):

3       As used in [sections 21a-408] this section, sections 21a-408a to 21a-  
4       408o, inclusive, as amended by this act, and sections 10 to 14, inclusive,  
5       of this act, unless the context otherwise requires:

6       (1) "Cultivation" includes planting, propagating, cultivating,  
7       growing and harvesting;

8       (2) "Debilitating medical condition" means (A) cancer, glaucoma,  
9       positive status for human immunodeficiency virus or acquired  
10      immune deficiency syndrome, Parkinson's disease, multiple sclerosis,  
11      damage to the nervous tissue of the spinal cord with objective  
12      neurological indication of intractable spasticity, epilepsy or  
13      uncontrolled intractable seizure disorder, cachexia, wasting syndrome,  
14      Crohn's disease, posttraumatic stress disorder, irreversible spinal cord  
15      injury with objective neurological indication of intractable spasticity,  
16      cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life  
17      care, except, if the qualifying patient is under eighteen years of age,  
18      "debilitating medical condition" means terminal illness requiring end-

19 of-life care, irreversible spinal cord injury with objective neurological  
20 indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe  
21 epilepsy or uncontrolled intractable seizure disorder, or (B) any  
22 medical condition, medical treatment or disease approved for  
23 qualifying patients by the Department of Consumer Protection  
24 pursuant to regulations adopted under section 21a-408m;

25 (3) "Institutional animal care and use committee" means a  
26 committee that oversees an organization's animal program, facilities  
27 and procedures to ensure compliance with federal policies, guidelines  
28 and principles related to the care and use of animals in research;

29 (4) "Institutional review board" means a specifically constituted  
30 review body established or designated by an organization to protect  
31 the rights and welfare of persons recruited to participate in biomedical,  
32 behavioral or social science research;

33 (5) "Laboratory" means a laboratory located in the state that is  
34 licensed to provide analysis of controlled substances pursuant to  
35 section 21a-246 and section 10 of this act;

36 (6) "Laboratory employee" means a person who is (A) licensed as a  
37 laboratory employee pursuant to section 10 of this act, or (B) holds a  
38 temporary certificate of registration issued pursuant to section 10 of  
39 this act;

40 [(3)] (7) "Licensed dispensary" or "dispensary" means a person who  
41 is licensed as a dispensary pursuant to section 21a-408h, as amended  
42 by this act;

43 [(4)] (8) "Licensed producer" or "producer" means a person who is  
44 licensed as a producer pursuant to section 21a-408i;

45 [(5)] (9) "Marijuana" means marijuana, as defined in section 21a-240;

46 (10) "Nurse" means a person who is licensed as a nurse under  
47 chapter 378;

48        [(6)] (11) "Palliative use" means the acquisition, distribution,  
49 transfer, possession, use or transportation of marijuana or  
50 paraphernalia relating to marijuana, including the transfer of  
51 marijuana and paraphernalia relating to marijuana from the patient's  
52 primary caregiver to the qualifying patient, to alleviate a qualifying  
53 patient's symptoms of a debilitating medical condition or the effects of  
54 such symptoms, but does not include any such use of marijuana by  
55 any person other than the qualifying patient;

56        [(7)] (12) "Paraphernalia" means drug paraphernalia, as defined in  
57 section 21a-240;

58        [(8)] (13) "Physician" means a person who is licensed as a physician  
59 under chapter 370, but does not include a physician assistant, as  
60 defined in section 20-12a;

61        [(9)] (14) "Primary caregiver" means a person, other than the  
62 qualifying patient and the qualifying patient's physician, who is  
63 eighteen years of age or older and has agreed to undertake  
64 responsibility for managing the well-being of the qualifying patient  
65 with respect to the palliative use of marijuana, provided (A) in the case  
66 of a qualifying patient under eighteen years of age or otherwise  
67 lacking legal capacity, such person shall be a parent, guardian or  
68 person having legal custody of such qualifying patient, and (B) in the  
69 case of a qualifying patient eighteen years of age or older lacking legal  
70 capacity, the need for such person shall be evaluated by the qualifying  
71 patient's physician and such need shall be documented in the written  
72 certification;

73        [(10)] (15) "Qualifying patient" means a person who: [is eighteen  
74 years of age or older, is] (A) Is a resident of Connecticut, [and] (B) has  
75 been diagnosed by a physician as having a debilitating medical  
76 condition, and (C) (i) is eighteen years of age or older, or (ii) has  
77 written consent from a custodial parent, guardian or other person  
78 having legal custody of such person that indicates that such person has  
79 permission from such parent, guardian or other person for the  
80 palliative use of marijuana for a debilitating medical condition and

81 that such parent, guardian or other person will (I) serve as a primary  
82 caregiver for the qualifying patient, and (II) control the acquisition and  
83 possession of marijuana and any related paraphernalia for palliative  
84 use on behalf of such person. "Qualifying patient" does not include an  
85 inmate confined in a correctional institution or facility under the  
86 supervision of the Department of Correction;

87 (16) "Research program" means a study approved by the  
88 Department of Consumer Protection in accordance with this chapter  
89 and undertaken to increase information or knowledge regarding the  
90 growth, processing, medical attributes, dosage forms, administration  
91 or use of marijuana to treat or alleviate symptoms of any medical  
92 conditions or the effects of such symptoms;

93 (17) "Research program employee" means a person who (A) is  
94 licensed as a research program employee under section 12 of this act,  
95 or (B) holds a temporary certificated of registration issued pursuant to  
96 section 12 of this act;

97 (18) "Research program subject" means a person registered as a  
98 research program subject pursuant to section 14 of this act;

99 [(11)] (19) "Usable marijuana" means the dried leaves and flowers of  
100 the marijuana plant, and any mixtures or preparations of such leaves  
101 and flowers, that are appropriate for the palliative use of marijuana,  
102 but does not include the seeds, stalks and roots of the marijuana plant;  
103 and

104 [(12)] (20) "Written certification" means a written certification issued  
105 by a physician pursuant to section 21a-408c, as amended by this act.

106 Sec. 2. Subsection (b) of section 21a-408a of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective*  
108 *October 1, 2016*):

109 (b) The provisions of subsection (a) of this section do not apply to:

110 (1) Any palliative use of marijuana that endangers the health or

111 well-being of a person other than the qualifying patient or the primary  
112 caregiver; or

113 (2) The ingestion of marijuana (A) in a motor bus or a school bus or  
114 in any other moving vehicle, (B) in the workplace, (C) on any school  
115 grounds or any public or private school, dormitory, college or  
116 university property, unless such college or university is participating  
117 in a research program and such use is pursuant to the terms of the  
118 research program, (D) in any public place, or (E) in the presence of a  
119 person under the age of eighteen, unless such person is a qualifying  
120 patient or research program subject. For the purposes of this  
121 subdivision, (i) "presence" means within the direct line of sight of the  
122 palliative use of marijuana or exposure to second-hand marijuana  
123 smoke, or both; (ii) "public place" means any area that is used or held  
124 out for use by the public whether owned or operated by public or  
125 private interests; (iii) "vehicle" means a vehicle, as defined in section  
126 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1;  
127 and (v) "school bus" means a school bus, as defined in section 14-1.

128 Sec. 3. Section 21a-408b of the general statutes is repealed and the  
129 following is substituted in lieu thereof (*Effective October 1, 2016*):

130 (a) No person may serve as a primary caregiver for a qualifying  
131 patient (1) unless such qualifying patient has a valid registration  
132 certificate from the Department of Consumer Protection pursuant to  
133 subsection (a) of section 21a-408d, as amended by this act, and (2) if  
134 such person has been convicted of a violation of any law pertaining to  
135 the illegal manufacture, sale or distribution of a controlled substance.  
136 A primary caregiver may not be responsible for the care of more than  
137 one qualifying patient at any time, except that a primary caregiver may  
138 be responsible for the care of more than one qualifying patient if the  
139 primary caregiver and each qualifying patient have a parental,  
140 guardianship, conservatorship or sibling relationship.

141 (b) A primary caregiver who has a valid registration certificate from  
142 the Department of Consumer Protection pursuant to subsection (a) of  
143 section 21a-408d, as amended by this act, and complies with the

144 requirements of sections 21a-408 to 21a-408n, inclusive, as amended by  
145 this act, shall not be subject to arrest or prosecution, penalized in any  
146 manner, including, but not limited to, being subject to any civil  
147 penalty, or denied any right or privilege, including, but not limited to,  
148 being subject to any disciplinary action by a professional licensing  
149 board, for the acquisition, distribution, possession or transportation of  
150 marijuana or paraphernalia related to marijuana on behalf of such  
151 primary caregiver's qualifying patient, provided (1) the amount of any  
152 marijuana so acquired, distributed, possessed or transported, together  
153 with the combined amount of usable marijuana possessed by the  
154 qualifying patient and the primary caregiver, does not exceed an  
155 amount reasonably necessary to ensure uninterrupted availability for a  
156 period of one month, as determined by the Department of Consumer  
157 Protection pursuant to regulations adopted under section 21a-408m,  
158 and (2) such amount is obtained solely within this state from a licensed  
159 dispensary facility. Any person with a valid registration certificate  
160 who is found to be in possession of marijuana that did not originate  
161 from the selected dispensary facility may be subject to a hearing before  
162 the commissioner for possible enforcement action concerning the  
163 registration certificate issued by the department. For the purposes of  
164 this subsection, "distribution" or "distributed" means the transfer of  
165 marijuana and paraphernalia related to marijuana from the primary  
166 caregiver to the qualifying patient.

167 (c) A dispensary facility shall not dispense any marijuana product in  
168 a smokable, inhalable or vaporizable form to a primary caregiver for a  
169 qualifying patient who is under eighteen years of age.

170 Sec. 4. Section 21a-408c of the general statutes is repealed and the  
171 following is substituted in lieu thereof (*Effective October 1, 2016*):

172 (a) A physician may issue a written certification to a qualifying  
173 patient that authorizes the palliative use of marijuana by the qualifying  
174 patient. Such written certification shall be in the form prescribed by the  
175 Department of Consumer Protection and shall include a statement  
176 signed and dated by the qualifying patient's physician stating that, in

177 such physician's professional opinion, the qualifying patient has a  
178 debilitating medical condition and the potential benefits of the  
179 palliative use of marijuana would likely outweigh the health risks of  
180 such use to the qualifying patient.

181 (b) Any written certification for the palliative use of marijuana  
182 issued by a physician under subsection (a) of this section shall be valid  
183 for a period not to exceed one year from the date such written  
184 certification is signed and dated by the physician. Not later than ten  
185 calendar days after the expiration of such period, or at any time before  
186 the expiration of such period should the qualifying patient no longer  
187 wish to possess marijuana for palliative use, the qualifying patient or  
188 the primary caregiver shall destroy all usable marijuana possessed by  
189 the qualifying patient and the primary caregiver for palliative use.

190 (c) A physician shall not be subject to arrest or prosecution,  
191 penalized in any manner, including, but not limited to, being subject to  
192 any civil penalty, or denied any right or privilege, including, but not  
193 limited to, being subject to any disciplinary action by the Connecticut  
194 Medical Examining Board or other professional licensing board, for  
195 providing a written certification for the palliative use of marijuana  
196 under subdivision (1) of subsection (a) of section 21a-408a if:

197 (1) The physician has diagnosed the qualifying patient as having a  
198 debilitating medical condition;

199 (2) The physician has explained the potential risks and benefits of  
200 the palliative use of marijuana to the qualifying patient and, if the  
201 qualifying patient lacks legal capacity, to a parent, guardian or person  
202 having legal custody of the qualifying patient;

203 (3) The written certification issued by the physician is based upon  
204 the physician's professional opinion after having completed a  
205 medically reasonable assessment of the qualifying patient's medical  
206 history and current medical condition made in the course of a bona  
207 fide physician-patient relationship; and

208 (4) The physician has no financial interest in a dispensary licensed  
209 under section 21a-408h, as amended by this act, or a producer licensed  
210 under section 21a-408i.

211 (d) A nurse shall not be subject to arrest or prosecution, penalized in  
212 any manner, including, but not limited to, being subject to any civil  
213 penalty, or denied any right or privilege, including, but not limited to,  
214 being subject to any disciplinary action by the Board of Examiners for  
215 Nursing, or other professional licensing board, for administering  
216 marijuana to a qualifying patient or research program subject in a  
217 hospital or health care facility licensed by the Department of Public  
218 Health.

219 Sec. 5. Section 21a-408d of the 2016 supplement to the general  
220 statutes is repealed and the following is substituted in lieu thereof  
221 (*Effective October 1, 2016*):

222 (a) Each qualifying patient who is issued a written certification for  
223 the palliative use of marijuana under subdivision (1) of subsection (a)  
224 of section 21a-408a, and the primary caregiver of such qualifying  
225 patient, shall register with the Department of Consumer Protection.  
226 Such registration shall be effective from the date the Department of  
227 Consumer Protection issues a certificate of registration until the  
228 expiration of the written certification issued by the physician. The  
229 qualifying patient and the primary caregiver shall provide sufficient  
230 identifying information, as determined by the department, to establish  
231 the personal identity of the qualifying patient and the primary  
232 caregiver. If the qualifying patient is under eighteen years of age, the  
233 custodial parent, guardian or other person having legal custody of the  
234 qualifying patient shall also provide a letter from both the qualifying  
235 patient's primary care provider and a physician who is board certified  
236 in an area of medicine involved in the treatment of the debilitating  
237 condition for which the qualifying patient was certified that confirms  
238 that the palliative use of marijuana is in the best interest of the  
239 qualifying patient. A physician may issue a written certification for the  
240 palliative use of marijuana by a qualifying patient who is under



241 eighteen years of age, provided such written certification shall not be  
242 for marijuana in a dosage form that requires that the marijuana be  
243 smoked, inhaled or vaporized. The qualifying patient or the primary  
244 caregiver shall report any change in [such] the identifying information  
245 to the department not later than five business days after such change.  
246 The department shall issue a registration certificate to the qualifying  
247 patient and to the primary caregiver and may charge a reasonable fee,  
248 not to exceed twenty-five dollars, for each registration certificate  
249 issued under this subsection. Any registration fees collected by the  
250 department under this subsection shall be paid to the State Treasurer  
251 and credited to the General Fund.

252 (b) The qualifying patient, or, if the qualifying patient is under  
253 eighteen years of age, the custodial parent, guardian or other person  
254 having legal custody of the qualifying patient, shall select a licensed,  
255 in-state dispensary facility to obtain the palliative marijuana products  
256 at the time of registration. Upon the issuance of the certificate of  
257 registration by the department, the patient, or the patient's custodial  
258 parent, guardian or other person having legal custody of the patient,  
259 shall purchase such palliative marijuana products from such  
260 dispensary facility, except that the patient, or the patient's custodial  
261 parent, guardian or other person having legal custody of the patient,  
262 may change such dispensary facility in accordance with regulations  
263 adopted by the department. Any person with a valid registration  
264 certificate who is found to be in possession of marijuana that did not  
265 originate from the selected dispensary facility may be subject to  
266 hearing before the commissioner for possible enforcement action  
267 concerning the registration certificate issued by the department.

268 (c) A dispensary facility shall not dispense any marijuana products  
269 in a smokable, inhalable or vaporizable form to a qualifying patient  
270 who is under eighteen years of age.

271 [(b)] (d) Information obtained under this section shall be  
272 confidential and shall not be subject to disclosure under the Freedom  
273 of Information Act, as defined in section 1-200, except that reasonable

274 access to registry information obtained under this section and  
275 temporary registration information obtained under section 21a-408n  
276 shall be provided to: (1) State agencies, federal agencies and local law  
277 enforcement agencies for the purpose of investigating or prosecuting a  
278 violation of law; (2) physicians and pharmacists for the purpose of  
279 providing patient care and drug therapy management and monitoring  
280 controlled substances obtained by the qualifying patient; (3) public or  
281 private entities for research or educational purposes, provided no  
282 individually identifiable health information may be disclosed; (4) a  
283 licensed dispensary for the purpose of complying with sections 21a-  
284 408 to 21a-408n, inclusive, as amended by this act; (5) a qualifying  
285 patient, but only with respect to information related to such qualifying  
286 patient or such qualifying patient's primary caregiver; or (6) a primary  
287 caregiver, but only with respect to information related to such primary  
288 caregiver's qualifying patient.

289 Sec. 6. Section 21a-408h of the 2016 supplement to the general  
290 statutes is amended by adding subsection (d) as follows (*Effective*  
291 *October 1, 2016*):

292 (NEW) (d) On or before January 1, 2017, and annually thereafter,  
293 each licensed dispensary shall report data to the Department of  
294 Consumer Protection relating to the types, mixtures and dosages of  
295 palliative marijuana dispensed by such dispensary. A report prepared  
296 pursuant to this subsection shall be in such form as may be prescribed  
297 by the Commissioner of Consumer Protection.

298 Sec. 7. Subsection (a) of section 21a-408j of the general statutes is  
299 repealed and the following is substituted in lieu thereof (*Effective*  
300 *October 1, 2016*):

301 (a) No licensed dispensary or employee of the dispensary may: (1)  
302 Acquire marijuana from a person other than a licensed producer; (2)  
303 distribute or dispense marijuana to a person who is not (A) a  
304 qualifying patient registered under section 21a-408d, as amended by  
305 this act, or 21a-408n; [, or] (B) a primary caregiver of such qualifying  
306 patient; (C) a hospice or other inpatient care facility licensed by the

307 Department of Public Health pursuant to chapter 368v that has  
308 protocol for the handling and distribution of marijuana that has been  
309 approved by the Department of Consumer Protection; (D) a laboratory;  
310 and (E) an organization engaged in a research program; or (3) obtain or  
311 transport marijuana outside of this state in violation of state or federal  
312 law.

313       Sec. 8. Subsection (a) of section 21a-408k of the general statutes is  
314 repealed and the following is substituted in lieu thereof (*Effective*  
315 *October 1, 2016*):

316       (a) No licensed producer or employee of the producer may: (1) Sell,  
317 deliver, transport or distribute marijuana to a person who is not (A) a  
318 licensed dispensary, (B) a laboratory, or (C) an organization engaged in  
319 a research program, or (2) obtain or transport marijuana outside of this  
320 state in violation of state or federal law.

321       Sec. 9. Section 21a-408l of the general statutes is repealed and the  
322 following is substituted in lieu thereof (*Effective October 1, 2016*):

323       (a) The Commissioner of Consumer Protection shall establish a  
324 Board of Physicians consisting of eight physicians or surgeons who are  
325 knowledgeable about the palliative use of marijuana and certified by  
326 the appropriate American board [in one of the following specialties:  
327 Neurology, pain medicine, pain management, medical oncology,  
328 psychiatry, infectious disease, family medicine or gynecology] in the  
329 medical specialty in which they practice, at least one of whom shall be  
330 a board certified pediatrician appointed in consultation with the  
331 Connecticut Chapter of the American Academy of Pediatrics. Four of  
332 the members of the board first appointed shall serve for a term of three  
333 years and four of the members of the board first appointed shall serve  
334 for a term of four years. Thereafter, members of the board shall serve  
335 for a term of four years and shall be eligible for reappointment. Any  
336 member of the board may serve until a successor is appointed. The  
337 Commissioner of Consumer Protection shall serve as an ex-officio  
338 member of the board, and shall select a chairperson from among the  
339 members of the board.

340 (b) A quorum of the Board of Physicians shall consist of [~~three~~] four  
341 members.

342 (c) The Board of Physicians shall:

343 (1) Review and recommend to the Department of Consumer  
344 Protection for approval the debilitating medical conditions, medical  
345 treatments or diseases to be added to the list of debilitating medical  
346 conditions that qualify for the palliative use of marijuana for patients  
347 eighteen years of age or older;

348 (2) Review and recommend to the Department of Consumer  
349 Protection for approval any illnesses that are severely debilitating, as  
350 defined in 21 CFR 312.81(b), to be added to the list of debilitating  
351 medical conditions that qualify for the palliative use of marijuana for  
352 patients under eighteen years of age, taking into account, among other  
353 things, the effect of the palliative use of marijuana on the brain  
354 development of such patients;

355 [(2)] (3) Accept and review petitions to add medical conditions,  
356 medical treatments or diseases to the list of debilitating medical  
357 conditions that qualify for the palliative use of marijuana;

358 [(3)] (4) Convene at least twice per year to conduct public hearings  
359 and to evaluate petitions, which shall be maintained as confidential  
360 pursuant to subsection (d) of this section, for the purpose of adding  
361 medical conditions, medical treatments or diseases to the list of  
362 debilitating medical conditions that qualify for the palliative use of  
363 marijuana;

364 [(4)] (5) Review and recommend to the Department of Consumer  
365 Protection protocols for determining the amounts of marijuana that  
366 may be reasonably necessary to ensure uninterrupted availability for a  
367 period of one month for qualifying patients, including amounts for  
368 topical treatments; and

369 [(5)] (6) Perform other duties related to the palliative use of  
370 marijuana upon the request of the Commissioner of Consumer

371 Protection.

372 (d) Any individually identifiable health information contained in a  
373 petition received under this section shall be confidential and shall not  
374 be subject to disclosure under the Freedom of Information Act, as  
375 defined in section 1-200.

376 Sec. 10. (NEW) (*Effective October 1, 2016*) (a) Except as provided in  
377 subsection (b) of this section, no person may act as a laboratory  
378 employee or represent that such person is a licensed laboratory  
379 employee unless such person has obtained a license from the  
380 Commissioner of Consumer Protection pursuant to this section.

381 (b) Prior to the effective date of regulations adopted under this  
382 section, the Commissioner of Consumer Protection may issue a  
383 temporary certificate of registration to a laboratory employee. The  
384 commissioner shall prescribe the standards, procedures and fees for  
385 obtaining a temporary certificate of registration as a laboratory  
386 employee.

387 (c) The Commissioner of Consumer Protection shall adopt  
388 regulations, in accordance with chapter 54 of the general statutes, to (1)  
389 provide for the licensure of laboratories and laboratory employees, (2)  
390 establish standards and procedures for the revocation, suspension,  
391 summary suspension and nonrenewal of laboratory and laboratory  
392 employee licenses, provided such standards and procedures are  
393 consistent with the provisions of subsection (c) of section 4-182 of the  
394 general statutes, (3) establish a license and renewal fee for each  
395 licensed laboratory and licensed laboratory employee, provided the  
396 aggregate amount of such license and renewal fees shall not be less  
397 than the amount necessary to cover the direct and indirect cost of  
398 licensing and regulating laboratories and laboratory employees in  
399 accordance with the provisions of chapter 420f of the general statutes,  
400 and (4) establish other licensing, renewal and operational standards  
401 deemed necessary by the commissioner.

402 (d) Any fees collected by the Department of Consumer Protection

403 under this section shall be paid to the State Treasurer and credited to  
404 the General Fund.

405       Sec. 11. (NEW) (*Effective October 1, 2016*) (a) No laboratory employee  
406 may (1) acquire marijuana from a person other than a licensed  
407 producer, licensed dispensary or organization engaged in a research  
408 program, (2) deliver, transport or distribute marijuana to (A) a person  
409 who is not a licensed dispensary, (B) a person who is not a licensed  
410 producer, or (C) an organization not engaged in a research program, or  
411 (3) obtain or transport marijuana outside of this state in violation of  
412 state or federal law.

413       (b) No laboratory or laboratory employee acting within the scope of  
414 his or her employment shall be subject to arrest or prosecution,  
415 penalized in any manner, including, but not limited to, being subject to  
416 any civil penalty, or denied any right or privilege, including, but not  
417 limited to, being subject to any disciplinary action by a professional  
418 licensing board, for acquiring, possessing, delivering, transporting or  
419 distributing marijuana to a licensed dispensary, a licensed producer or  
420 an organization engaged in an approved research program under the  
421 provisions of chapter 420f of the general statutes.

422       Sec. 12. (NEW) (*Effective October 1, 2016*) (a) The Commissioner of  
423 Consumer Protection may approve a research program if such research  
424 program will (1) be administered or overseen by (A) a hospital or  
425 health care facility licensed by the Connecticut Department of Public  
426 Health pursuant to chapter 368v of the general statutes, (B) an  
427 institution of higher education, as defined in section 10a-55 of the  
428 general statutes, (C) a licensed producer, or (D) a licensed dispensary,  
429 and (2) have institutional review board oversight and, if the research  
430 program involves the use of animals, have an institutional animal care  
431 and use committee.

432       (b) Except as provided in subsection (c) of this section, no person  
433 may act as a research program employee or represent that such person  
434 is a licensed research program employee unless such person has  
435 obtained a license from the Commissioner of Consumer Protection

436 pursuant to this section.

437 (c) Prior to the effective date of regulations adopted under this  
438 section, the Commissioner of Consumer Protection may issue a  
439 temporary certificate of registration to a research program employee.  
440 The commissioner shall prescribe the standards, procedures and fees  
441 for obtaining a temporary certificate of registration as a research  
442 program employee.

443 (d) The Commissioner of Consumer Protection shall adopt  
444 regulations, in accordance with chapter 54 of the general statutes, to (1)  
445 provide for the approval of research programs and licensure of  
446 research program employees, (2) establish standards and procedures  
447 for the termination or suspension of a research program, (3) establish  
448 standards and procedures for the revocation, suspension, summary  
449 suspension and nonrenewal of a research program employee license,  
450 provided such standards and procedures are consistent with the  
451 provisions of subsection (c) of section 4-182 of the general statutes, (4)  
452 establish a (A) fee for research program review and approval, and (B)  
453 license and renewal fee for each research program employee, provided  
454 the aggregate amount of such fees shall not be less than the amount  
455 necessary to cover the direct and indirect cost of approving research  
456 programs and licensing and regulating research program employees  
457 pursuant to the provisions of chapter 420f of the general statutes, and  
458 (5) establish other licensing, renewal and operational standards  
459 deemed necessary by the commissioner.

460 (e) Any fees collected by the Department of Consumer Protection  
461 under this section shall be paid to the State Treasurer and credited to  
462 the General Fund.

463 Sec. 13. (NEW) (*Effective October 1, 2016*) (a) No research program or  
464 research program employee may (1) acquire marijuana from a person  
465 other than a licensed producer, licensed dispensary or laboratory, (2)  
466 deliver, transport or distribute marijuana to a person who is not (A) a  
467 licensed dispensary, (B) a licensed producer, or (C) a research program  
468 subject, (3) distribute or administer marijuana to an animal unless such

469 animal is an animal research subject, or (4) obtain or transport  
470 marijuana outside of this state in violation of state or federal law.

471 (b) No research program employee acting within the scope of his or  
472 her employment shall be subject to arrest or prosecution, penalized in  
473 any manner, including, but not limited to, being subject to any civil  
474 penalty, or denied any right or privilege, including, but not limited to,  
475 being subject to any disciplinary action by a professional licensing  
476 board, for acquiring, possessing, delivering, transporting or  
477 distributing marijuana to a licensed dispensary, a licensed producer or  
478 a research program subject or distributing or administering marijuana  
479 to an animal research subject under the provisions of chapter 420f of  
480 the general statutes.

481 Sec. 14. (NEW) (*Effective October 1, 2016*) (a) Any person seeking to  
482 participate as a research program subject shall register with the  
483 Department of Consumer Protection prior to participating in an  
484 approved research program. The Commissioner of Consumer  
485 Protection shall prescribe the standards and procedures for obtaining a  
486 certificate of registration as a research program subject.

487 (b) A research program subject who has a valid registration  
488 certificate from the Department of Consumer Protection and is acting  
489 within the scope of his or her involvement in an approved research  
490 program shall not be subject to arrest or prosecution, penalized in any  
491 manner, including, but not limited to, being subject to any civil penalty  
492 or denied any right or privilege, including, but not limited to, being  
493 subject to any disciplinary action by a professional licensing board, for  
494 the use of marijuana.

495 (c) The provisions of subsection (b) of this section do not apply to:

496 (1) Any use of marijuana that endangers the health or well-being of  
497 a person other than the research program subject or a research  
498 program employee; or

499 (2) The ingestion of marijuana (A) in a motor bus or a school bus or



500 in any other moving vehicle, (B) in the workplace, (C) on any school  
501 grounds or any public or private school, dormitory, college or  
502 university property unless such college or university is participating in  
503 a research program and such use is pursuant to the terms of the  
504 research program, (D) in any public place, or (E) in the presence of a  
505 person under eighteen years of age unless such person is a qualifying  
506 patient or research program subject. For purposes of this subdivision,  
507 (i) "presence" means within the direct line of sight of the palliative use  
508 of marijuana or exposure to second-hand marijuana smoke, or both; (ii)  
509 "public place" means any area that is used or held out for use by the  
510 public, whether owned or operated by public or private interests; (iii)  
511 "vehicle" means a vehicle, as defined in section 14-1 of the general  
512 statutes; (iv) "motor bus" means a motor bus, as defined in section 14-1  
513 of the general statutes; and (v) "school bus" means a school bus, as  
514 defined in section 14-1 of the general statutes.

515 (d) Information obtained under this section shall be confidential and  
516 shall not be subject to disclosure under the Freedom of Information  
517 Act, as defined in section 1-200 of the general statutes, except that  
518 reasonable access to registry information obtained under this section  
519 shall be provided to (1) state agencies, federal agencies and local law  
520 enforcement agencies for the purpose of investigating or prosecuting a  
521 violation of law, (2) physicians and pharmacists for the purpose of  
522 providing patient care and drug therapy management and monitoring  
523 controlled substances obtained by the research program subject, (3)  
524 public or private entities for research or educational purposes,  
525 provided no individually identifiable health information may be  
526 disclosed, (4) a licensed dispensary for the purpose of complying with  
527 sections 21a-408 to 21a-408n, inclusive, of the general statutes, as  
528 amended by this act, or (5) a research program subject, but only with  
529 respect to information related to such research program subject.

530 Sec. 15. Subsection (a) of section 21a-408n of the general statutes is  
531 repealed and the following is substituted in lieu thereof (*Effective*  
532 *October 1, 2016*):

533 (a) During the period beginning on October 1, 2012, and ending  
 534 thirty calendar days after the effective date of regulations adopted  
 535 pursuant to section 21a-408m, a qualifying patient who would be  
 536 determined to be eligible for a registration certificate pursuant to  
 537 subsection (a) of section 21a-408d, as amended by this act, except for  
 538 the lack of effective regulations concerning licensed dispensaries,  
 539 licensed producers, distribution systems and amounts of marijuana,  
 540 may obtain a written certification from a physician and upon  
 541 presenting the written certification to the Department of Consumer  
 542 Protection, the department shall issue a temporary registration  
 543 certificate for the palliative use of marijuana. The department shall  
 544 indicate on such temporary registration certificate the amount of  
 545 usable marijuana that constitutes a one month supply which may be  
 546 possessed pursuant to such temporary registration certificate. The  
 547 department shall maintain a list of all temporary registration  
 548 certificates issued pursuant to this section and the information on such  
 549 list shall be confidential and shall not be subject to disclosure under the  
 550 Freedom of Information Act, as defined in section 1-200, except that  
 551 such information may be disclosed in the manner set forth in  
 552 subsection [(b)] (d) of section 21a-408d, as amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	21a-408
Sec. 2	<i>October 1, 2016</i>	21a-408a(b)
Sec. 3	<i>October 1, 2016</i>	21a-408b
Sec. 4	<i>October 1, 2016</i>	21a-408c
Sec. 5	<i>October 1, 2016</i>	21a-408d
Sec. 6	<i>October 1, 2016</i>	21a-408h
Sec. 7	<i>October 1, 2016</i>	21a-408j(a)
Sec. 8	<i>October 1, 2016</i>	21a-408k(a)
Sec. 9	<i>October 1, 2016</i>	21a-408l
Sec. 10	<i>October 1, 2016</i>	New section
Sec. 11	<i>October 1, 2016</i>	New section
Sec. 12	<i>October 1, 2016</i>	New section
Sec. 13	<i>October 1, 2016</i>	New section
Sec. 14	<i>October 1, 2016</i>	New section

Sec. 15	<i>October 1, 2016</i>	21a-408n(a)
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